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10/688,287	10/16/2003	Shoji Kodama	HTA-6787	9177
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EXAMINER				
DAYE, CHELCEE L				
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2161				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/688,287

**Applicant(s)**

KODAMA, SHOJI

**Examiner**

CHELCIE DAYE

**Art Unit**

2161

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 42, 44-50 and 52-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 42, 44-50 and 52-65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is issued in response to applicant's amendment filed April 15, 2009.
2. Claims 1-42, 44-50, and 52-79 are presented. No claim added and claims 1-41, 43, 51, and 66-79 are cancelled.
3. Claims 42, 44-50, and 52-65 are pending.
4. Applicant's arguments filed April 15, 2009, have been fully considered but they are not persuasive.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 42, 50, 54-56, and 62-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sayle (US Patent No. 6,356,863) filed June 1, 1999, in view of Dutta (US Patent No. 6,636,854) filed December 7, 2000, further in view of Schmitz (US Patent No. 7,231,382) filed June 1, 2001.**

Regarding Claim 42, Sayle discloses a method for accessing data comprising:  
storing a plurality of files in a file system of a file server (column 1, lines 54-57, Sayle);  
providing a first export from the plurality of files, representative of contents of the plurality of files, to each of a plurality of client computers (columns 1-2, lines 65-67 and

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1-3, respectively, Sayle). However, Sayle is silent with respect to a second export from the plurality of files to a search engine. On the other hand, Dutta discloses a second export from the plurality of files to a search engine (column 5, lines 38-53, Dutta). Sayle and Dutta are analogous art because they are from the same field of endeavor of file accessing and searching. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Dutta's teachings into the Sayle system. A skilled artisan would have been motivated to combine as suggested by Dutta at column 1, lines 41-54, in order to connect a peer-to-peer network to form a distributed file-sharing system. As a result, the search requests provide a useful manner for finding new content that has not yet been indexed by the search engines. Therefore, the combination of Sayle in view of Dutta, disclose the first export configured to be mounted by each of the client computers, but not the search engine (column 2, lines 4-14, Sayle), under network file system (NFS) or common Internet file system (CIFS) conventions (column 6, lines 3-9, Sayle), the second export configured to be mounted by the search engine (column 4, lines 46-60, column 6, lines 23-34, and column 8, lines 28-32, Dutta);

maintaining a mapping at the file server of the mounting of the second export on the search engine (column 10, lines 23-46, Dutta)<sup>1</sup>;

receiving a directory list request for a selected one of the first and second exports (column 9, lines 37-55, Sayle)<sup>2</sup>;

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<sup>1</sup> Examiner Notes: Even further, Sayle also discusses mapping of mountings and it would be obvious that teaching of the mappings for the mounting of export for the clients would also be true for the mapping of the mounting of exports for the search engine.

<sup>2</sup> Examiner Notes: The examiner has chosen to provide a citation for the selected one of the first export. As such, a citation is not provided for the alternative limitations, which further rely upon/discuss, the 'search engine'.

in response to receiving the directory list request, determining whether the selected one of the first and second exports is for one of the client computers or the search engine based on received export information for one of the first and second exports (column 4, lines 38-52, Sayle) and an IP address associated with the directory list request (column 6, lines 21-33, Sayle);

in response to receiving the directory list request, producing a first directory listing that is representative of all contents of a first directory for the selected export when the selected export is for one of the client computers (column 9, lines 56-63, Sayle); and

in response to receiving the directory list request, producing a second directory listing that is representative of updated contents of a second directory for the selected export when the selected export is for the search engine, the updated contents representing changes to the second directory since a most recent export to the search engine, files represented in the second directory listing being further based on one or more criteria contained in a file filter table, wherein an index for the search engine is updated based on the second directory listing<sup>3</sup>. However, Sayle in view of Dutta are not as detailed with the search engine configured to use an NFS or a CIFS protocol to access files in the file server. On the other hand, Schmitz discloses the search engine configured to use an NFS or a CIFS protocol to access files in the file server (Fig.1; column 5, lines 9-10 and 28-36, Schmitz). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Schmitz's teachings into the

Sayle and Dutta system. A skilled artisan would have been motivated to combine in order to provide an improved system for receiving and loading data for searchable systems geared toward other services.

Regarding Claim 50, the combination of Sayle in view of Dutta, further in view of Schmitz, disclose a method for accessing data comprising:

storing a plurality of files in a file system on a file server (column 1, lines 54-57, Sayle);

providing a plurality of first exports of the file system to a plurality of client computers (columns 1-2, lines 65-67 and 1-3, respectively, Sayle), each of the plurality of client computers mounting one of the plurality of first exports under network file system (NFS) or common Internet file system (CIFS) conventions (column 2, lines 4-14 and column 6, lines 3-9, Sayle);

providing a second export of the file system to a search engine (column 5, lines 38-53, Dutta), the search engine mounting the second export (column 4, lines 46-60, column 6, lines 23-34, and column 8, lines 28-32, Dutta) and being configured to use an NFS or a CIFS protocol to access files in the file server (Fig.1; column 5, lines 9-10 and 28-36, Schmitz);

maintaining a mapping at the file server of the mounting of the second export on the search engine (column 10, lines 23-46, Dutta);

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<sup>3</sup> Examiner Notes: A citation has not been provided for this limitation since the claim language recites the term "or", which is considered alternative language. As such, the reference relied upon satisfies the meets and bounds of the export being a client computer.

based upon receiving a directory list request for a selected one of the first and second exports, determining whether the selected one is for one of the client computers or for the search engine based on received export information for one of the first and second exports (column 4, lines 38-52 and column 9, lines 37-55, Sayle)<sup>4</sup> and an IP address associated with the directory list request (column 6, lines 21-33, Sayle);

producing a first directory listing that is representative of all contents of a first directory for the determined export if the determined export is for one of the client computers (column 9, lines 56-63, Sayle); and

producing a second directory listing that is representative of updated contents of a second directory for the determined export if the determined export is for the search engine, the updated contents representing changes to the second directory since a most recent export to the search engine, files represented in the second directory listing being determined based on one or more criteria contained in a file filter table, wherein an index for the search engine is updated based on information in the second directory listing<sup>5</sup>.

Regarding Claim 54, the combination of Sayle in view of Dutta, further in view of Schmitz, disclose a method for accessing data comprising:

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<sup>4</sup> Examiner Notes: The directory list request is for a selected one of the exports for one of the client computers and therefore, the citation is provided to disclose such limitation. A citation has not been provided for the alternative limitations, which further rely upon/discuss, the 'search engine'.

<sup>5</sup> Examiner Notes: A citation has not been provided for this limitation since the claim language recites the term "or", which is considered alternative language. As such, the reference relied upon satisfies the meets and bounds of the export being a client computer.

storing a plurality of files in a file system on a file server (column 1, lines 54-57, Sayle);

based on receiving a directory list request for a directory contained on the file server, determining if the directory list request originated from one of a plurality of client computers or a search engine using an identification attached to the directory list request (columns 1-2, lines 65-67 and 1-3, respectively and column 9, lines 37-55, Sayle)<sup>6</sup>, the plurality of client computers each having mounted a first export from the file system under network file system (NFS) or common Internet file system (CIFS) convention (column 2, lines 4-14 and column 6, lines 3-9, Sayle), and the search engine having mounted a second export from the file system (column 4, lines 46-60, column 6, lines 23-34, and column 8, lines 28-32, Dutta);

maintaining a mapping at the file server of the mounting of the second export on the search engine (column 10, lines 23-46, Dutta), the search engine configured to use an NFS or a CIFS protocol to access files in the file server (Fig.1; column 5, lines 9-10 and 28-36, Schmitz);

producing a first directory listing that is representative of all contents of the directory if the directory list request is from one of the plurality of client computers (column 9, lines 56-63, Sayle); and

producing a second directory listing that is representative of updated contents of the directory if the directory request is from a search engine, the updated contents representing changes to the second directory since a most recent export to the search



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engine, files represented in the second directory listing being further determined based on one or more criteria contained in a file filter table, wherein an index for the search engine is updated based on information in the second directory listing<sup>7</sup>.

Regarding Claim 55, the combination of Sayle in view of Dutta, further in view of Schmitz, disclose the method wherein the identifier is an internet protocol (IP) address (column 3, lines 19-37, Sayle).

Regarding Claims 56 and 65, the combination of Sayle in view of Dutta, further in view of Schmitz, disclose in a file server, a method for providing access to files contained in the file server comprising:

organizing the files in a file system (column 1, lines 54-57, Sayle);

providing access to the file system to a search engine (column 6, lines 24-26 and column 7, lines 46-50, Dutta) and a plurality of client computers (columns 1-2, lines 67 and 1-3, respectively, Sayle);

storing information representative of the search engine (column 7, lines 30-39, Dutta) and the plurality of client computers (column 1, lines 54-57, Sayle);

mounting a first export on each of the client computers, under network file system (NFS) or common Internet file system (CIFS) convention (column 2, lines 4-14 and

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<sup>6</sup> Examiner Notes: The directory list request is for a selected one of the exports for one of the client computers and therefore, the citation is provided to disclose such limitation. A citation has not been provided for the alternative limitations, which further rely upon/discuss, the 'search engine'.

<sup>7</sup> Examiner Notes: A citation has not been provided for this limitation since the claim language recites the term "or", which is considered alternative language. As such, the reference relied upon satisfies the meets and bounds of the export being a client computer.

column 6, lines 3-9, Sayle), and a second export on the search engine (column 4, lines 46-60, column 6, lines 23-34, and column 8, lines 28-32, Dutta), and maintaining a mapping of the first and second exports at the file system (column 10, lines 23-46, Dutta), the search engine configured to use an NFS or a CIFS protocol to access files in the file server (Fig.1; column 5, lines 9-10 and 28-36, Schmitz);

receiving a directory list request for a first directory stored on the file server (column 9, lines 37-55, Sayle);

producing a first directory listing that is representative of all contents of the first directory if the directory list request originated from one of the plurality of client computers as determined using the stored information (column 9, lines 56-63, Sayle); and

producing a second directory listing that is representative of updated contents of the first directory if the directory list request originated from the search engine as determined using the stored information, the updated contents representing changes to the second directory since a most recent export to the search engine, files represented in the second directory listing being further determined based on one or more criteria contained in a file filter table<sup>8</sup>.

Regarding Claim 62, the combination of Sayle in view of Dutta, further in view of Schmitz, disclose the method further comprising providing exports to the search engine

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<sup>8</sup> Examiner Notes: A citation has not been provided for this limitation since the claim language recites the term "or", which is considered alternative language. As such, the reference relied upon satisfies the meets and bounds of the export being a client computer.

(column 5, lines 38-53, Dutta) and the plurality of client computers (columns 1-2, lines 65-67 and 1-3, respectively, Sayle).

Regarding Claims 63 and 64, the combination of Sayle in view of Dutta, further in view of Schmitz, disclose the method wherein the source address is an IP address (column 3, lines 19-37, Sayle).

Regarding Claim 65, the combination of Sayle in view of Dutta, further in view of Schmitz, disclose a file server comprising:

storage for storing a plurality of files (column 1, lines 54-57, Sayle);  
a file filter table (column 9, lines 3-8, Dutta); and  
a file server controller, the file server controller configured to perform the method steps of claim 56 (column 10, lines 23-36, Sayle).

**7. Claims 44-49, 52, 53, and 57-61, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sayle (US Patent No. 6,356,863) filed June 1, 1999, in view of Dutta (US Patent No. 6,636,854) filed December 7, 2000, further in view of Schmitz (US Patent No. 7,231,382) filed June 1, 2001, and further in view of Hill (US Patent No. 7,020,658) filed June 4, 2001.**

Regarding Claim 44, the combination of Sayle in view of Dutta, further in view of Schmitz, disclose the method having the one or more criteria. However, Sayle in view of Dutta, and further in view of Schmitz, are not as detailed with respect to the criteria

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based on one or more of file types; file owner information; file creation dates; and file sizes. On the other hand, Hill discloses the criteria based on one or more of file types; file owner information; file creation dates; and file sizes (Fig.14, Hill). Sayle, Dutta, Schmitz, and Hill are analogous art because they are from the same field of endeavor of file management systems. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Hill's teachings into the Sayle, Dutta, and Schmitz system. A skilled artisan would have been motivated to combine as suggested by Hill at columns 2-3, lines 58-67 and 1-11, in order to easily and effortlessly identify unwanted/wanted files. As a result, causing the system to decrease intensive labor and improve efficiency.

Regarding Claim 45, the combination of Sayle in view of Dutta, further in view of Schmitz, and further in view of Hill, disclose the method wherein the file filtering table comprises one or more file types which indicate whether files are to be excluded from the second directory listing (Fig.15; column 16, lines 45-53, Hill).

Regarding Claim 46, the combination of Sayle in view of Dutta, further in view of Schmitz, and further in view of Hill, disclose the method wherein the file filtering table further comprises one or more of file owner information, file creation dates, file sizes (Fig.14, Hill).

Regarding Claims 47-49, the combination of Sayle in view of Dutta, further in view of Schmitz, and further in view of Hill, disclose the method wherein the file filter specifies which files are to be included in the second directory listing and which files are to be excluded from the second directory listing (Fig.11B; column 12, lines 41-46, Hill).

Regarding Claims 52 and 53, the combination of Sayle in view of Dutta, further in view of Schmitz, and further in view of Hill, disclose the method wherein the file filter specifies which files are to be included and excluded in the second directory listing (Fig.11B; column 12, lines 41-46, Hill).

Regarding Claim 57, the combination of Sayle in view of Dutta, further in view of Schmitz, and further in view of Hill, disclose the method wherein the file filtering table comprises one or more file types which indicate, by file type, whether files are to be excluded from the second directory listing (Fig.15; column 16, lines 45-53, Hill).

Regarding Claim 58, the combination of Sayle in view of Dutta, further in view of Schmitz, and further in view of Hill, disclose the method wherein the file filtering table further comprises one or more of file owner information, file creation dates, file sizes (Fig.14, Hill).

Regarding Claims 59, 60, and 61, the combination of Sayle in view of Dutta, further in view of Schmitz, and further in view of Hill, disclose the method wherein the

file filtering table comprises one or more criteria which indicate whether a file is to be excluded from the second directory listing and indicate whether a file is to be included in the second directory listing (Fig.11B; column 12, lines 41-46, Hill).

### ***Response to Arguments***

**Applicant argues the rejection of the claims is based on impermissible hindsight.**

Examiner respectfully disagrees. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). As such, the examiner believes that the combination of the references is within the level of ordinary skill in the art at the time of the invention, especially since there is nothing new or unknown about the use of a search engine as well as client computers in combination of file systems (such as NFS or CIFS).

**Applicant argues, Dutta merely discloses a search engine with peer-to-peer search results and does not disclose that the search engine uses NFS or CIFS protocol to access files in a file server.**

Examiner respectfully disagrees. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In particular, while Dutta was relied upon for the initial disclosure of a search engine, Schmitz was incorporated to teach the search engine can be configured to use an NFS or CIFS protocol (see action above).

**Applicant argues, Sayle does not teach a determination based on one of the received export information (namely one of the first and second exports) and an IP address associated with the directory list request.**

Examiner respectfully disagrees. In particular, the applicant argues that Sayle does not disclose both first and second exports. However, Sayle was relied upon for the disclosure of the first export, which corresponded to a plurality of files for client computers (see cols.1-2, lines 65-67 and 1-3; respectively). On the other hand, Sayle does teach the determination step being based on "one of received export information for one of the first and second exports", wherein Sayle discloses the determination for the first export. As such, Sayles disclosure of receiving a directory list request for a

selected export (when the export is the first export, which corresponds to the client computer) and the determination of whether the export is for a client or search engine is fully disclosed by Sayle. Further Sayle teaches that SMB is the file sharing protocol used and that SMB broadcasts requests to NetBIOS name server to locate remote file servers. The name server replies the IP address of the server supporting the named file system, and then an SMB client contacts the files services on this host using the NetBIOS session manager and creates a session connection over TCP/IP (see col.6, lines 9-33). This discloses that SMB, which is currently being revised as the Common Internet File System (CIFS), which is known for holding directories, uses a name server to locate file servers and responds with the associated IP addresses for the SMB. AS such the IP addresses clearly relate/associate to the directory list (as well as the request). Even further, Sayle teaches "*a user application running on a computer makes a request to the operating system on that machine to access a logical file system or directory...The operating system then generates a TCP/IP request to the network file server via the network file server's network interface*" (see col.9, lines 37-54), wherein the preceding excerpt shows that the IP address is associated with the directory list request, which is generated by the operating system. Thus, disclosing the above argued feature.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within



TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Points of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHELCIE DAYE whose telephone number is (571) 272-3891. The examiner can normally be reached on M-F, 7:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chelcie Daye  
Patent Examiner

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Technology Center 2100

July 1, 2009

/Etienne P LeRoux/

Primary Examiner, Art Unit 2161